

CLOSED SESSION 6:20 P.M., Third Floor Conference Room

- A. Conference with Labor Negotiator, Greg Scoles, pursuant to Government Code Section 54957.6: BPOA; MMCEA, AFSCME, Unrepresented Management

Councilmembers present: Feierbach, Braunstein, Wozniak (arr. 6:30 p.m.), Lieberman (arr. 7:20 p.m.), Warden, City Manager Scoles, Interim City Attorney Kane, Community Development Director de Melo, Police Chief Mattei, Finance Director Fil, Human Resources Director Dino, Police Captain DeSmidt, Labor Consultant Diana Doughtie. City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:40 P.M.

Terri Cook
Belmont City Clerk

This meeting was not tape recorded or videotaped

STUDY SESSION

CALL TO ORDER 7:55 P.M., CITY COUNCIL CHAMBERS

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Wozniak, Braunstein, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, Interim City Attorney Kane, Finance Director Fil, Human Resources Director Dino, Police Chief Mattei, Community Development Director de Melo, Deputy Finance Director Lazzari, Police Captain DeSmidt, Chief Building Official Nolfi, City Treasurer Violet, City Clerk Cook

REPORT FROM CLOSED SESSION

Interim City Attorney Kane stated that direction was given but no action taken during the Closed Session held previously.

PUBLIC/COUNCIL COMMENTS

Matt Covington, Belmont resident, stated that he does not support the recent request by AYSO (American Youth Soccer Association) to use Notre Dame de Namur's (NDNU) Koret Field. He noted that this issue has already been decided. He commented that the City Council revised the Conditional Use Permit (CUP) in an effort to balance the needs of various stakeholders, which was rejected by NDNU. He stated that AYSO is attempting to cherry-pick items from the revised CUP. He commented that it is unfair to spend additional resources on this matter. He recommended that any proposed future revision be decided by the City Council rather than the Planning Commission.

Eve Lefcourt, Belmont resident, expressed support for the City Council's recent discussion of environmental issues. She stated that her family already does considerable walking. She commented regarding the proposed attendance boundary changes for Central Elementary School and expressed concern for safety due to the need to cross busy streets. She noted that excessive cars produce more emissions, and the walk to school farther away will no longer be feasible.

Mayor Feierbach recommended that the City/School District 2+2 subcommittee meet to discuss this matter for which the City Council has received much correspondence.

Gordon Seely, Belmont resident, expressed his shock at the application for the new CUP for Koret. He concurred with Mr. Covington's comments.

Gladwyn D'Souza, Belmont resident, described energy rebates that are available. He stated he is seeking volunteer assistance in distributing flyers regarding these rebates.

Bob Carillo, Belmont resident, stated that the Belmont-Redwood Shores School Board advised that it would meet with the City Council prior to any decision regarding boundary changes, and that they would ask the Police Department to perform a traffic study. He stated that the Board also advised that crossing guards are not needed because students are accompanied by a parent. He explained that the busier streets are unsafe for any children below middle school age.

Councilmember Wozniak noted that any CUP application must be accepted and processed and cannot be rejected. She stated that any acceptance of the application is not an implicit statement of approval. City Manager Scoles explained that a new CUP application had been received with a narrower focus than the previous application. He noted that it is scheduled to be heard by the Planning Commission in July.

RECESS: 8:10 P.M. (to consider the Belmont Fire Protection District agenda)
RECONVENE: 9:00 P.M.

Discussion and Direction Regarding Proposed Ordinances as Recommended by the Green Advisory Committee

Community Development Director de Melo explained that these ordinances are only being proposed for discussion and direction, and tonight is not a public hearing to introduce any new ordinances. He described the background of the Green Advisory Committee's (GAC) work. He noted that the County of San Mateo has enacted similar versions of some of the proposed ordinances.

Proposed Ordinance Banning Plastic/Single Use Bags

Green Advisory Committee (GAC) member Mike Swire stated that prohibiting the use of single-use bags would be the best way to make an impact for being a more green community. He provided statistics regarding plastic bags and described their impact on marine environment, suburban blight, property values, cost to the trash hauler, and storm drains. He explained that plastic bags are not recyclable or economical. He noted that retailers are not taking the lead in eliminating their use. He stated that biodegradable bags are expensive and do not biodegrade in

the ocean. He noted that residents and organizations are supportive of a ban, and chemical companies are not. He highlighted components of the proposed ordinance, and explained that the ban would affect carry-out bags only, not those used in meat and other food packaging.

Proposed Ordinance Banning Polystyrene

Green Advisory Committee member Mike Swire explained that polystyrene is likely to be designated a carcinogen which affects marine life that is eventually ingested by humans. He stated that styrene is difficult to recycle and cannot be done through curbside programs. He explained that there are many alternatives to polystyrene, and many cities have already banned its use. He noted that the proposed ordinance references the County ordinance, and its enactment in Belmont would have little financial effect, as the County Health Department would implement and enforce. He explained that the proposed ban does not affect prepackaged food, only that which is prepared and packaged on site.

In response to Mayor Feierbach, Mr. Swire advised that this ordinance would affect the farmer's market, and he has already spoken with the Belmont Farmer's Market manager regarding this matter. He explained that San Jose has a ban which affects their farmer's market.

Councilmember Wozniak expressed support for both ordinances. She stated that incentives are needed for the stores to comply, and time is needed to vet the proposed ordinances with retailers. She recommended setting aside funding to create reusable bags with the City logo, and noted that retailers could provide a bin for bag sharing.

Councilmember Braunstein expressed support for the proposed ordinances, and noted that many developing nations have already implemented these measures.

In response to Councilmember Lieberman, Mr. Swire explained that the Belmont Chamber of Commerce has not commented on these ordinances. He noted that other cities' Chambers are usually supportive.

Councilmember Lieberman expressed support for the proposed ordinances, but has concerns regarding the 15 cent paper bag charge. He would prefer to let the retailers work out the issue of paper bags.

Interim City Attorney Kane explained that as a result of previous direction, she has not performed any review or analysis of either of these proposed ordinances. She noted that current litigation by the plastic bag coalition is pending in the City of Manhattan Beach, which is forcing the paper bag charge. She explained that this is an evolving area of law.

Councilmember Wozniak noted that other cities are considering similar ordinances, and other city attorneys are reviewing them.

Mayor Feierbach stated that there is a need to hire a permanent city attorney before these ordinances can be considered, but the Council can give direction and express support.

Councilmember Warden noted that paper bags provide a viable alternative to plastic bags. He questioned what alternatives are available if polystyrene were to be banned.

(At this time, being 9:25 P.M., Councilmember Braunstein stepped out of the Council Chambers.)

GAC member Swire stated that there is no negative environmental effect regarding the prohibition of polystyrene, and no environmental review is required to ban its use.

Councilmember Warden concurred regarding the need to wait for a new permanent city attorney.

(At this time, being 9:35 P.M., Councilmember Braunstein returned to the Council Chambers.)

Allison Chan, Save the Bay Organization, expressed support for the two proposed ordinances. She noted that the County of San Mateo has provided a model for the polystyrene ban, and that alternatives exist. She cited the growing regional movement in support of banning the use of plastic bags, and a charge for the use of paper bags could address the legal issue.

Waymond Wong, San Mateo County Environmental Health Department, expressed support for the ban on polystyrene. He explained the County's responsibility if Belmont were to adopt this ordinance, and it can also provide outreach and education prior to enforcement.

Gladwyn D'Souza, Sierra Club, expressed support for both of these ordinances. He noted that plastic and polystyrene comprise the largest component of trash, and that bans are effective.

Ann Schneider, Sierra Club, expressed support for both ordinances. She explained the extended producer responsibilities, and noted that there are viable alternatives to plastic bags. She recommended making the ban mandatory, as voluntary programs do not work. She stated that the Sierra Club could be a resource for implementation. She explained that there are no food-based alternatives to the use of polystyrene.

Manuel Martinez, Project Green Bag, expressed support for these ordinances. He described his project and noted that he has created green jobs, and has stickers available for retailers to use to promote the fact that they do not provide single-use bags.

Tim Vogel, Belmont resident, commented regarding the importance of local bans and how regional environmental issues can be affected by them. He recommended thinking globally and acting locally. He commented that scare tactics are used by naysayers.

George Burgess, Belmont resident, noted that the Chamber of Commerce has not yet taken a position on these proposed ordinances. He explained that he does not personally support telling a business how to run, and he does not support charging for paper bags. He noted this is selective regulation. He stated that the use of other plastics is not addressed in the proposed ordinance, and

that reusable bags are not the right size for the various types of grocery products. He recommended a voluntary program, and that the marketplace should dictate this issue.

In response to GAC member Swire's request that the City Council vote on the concept of these ordinances, Mayor Feierbach stated that the items would need to be prioritized by the new city attorney.

Councilmember Wozniak expressed support for both ordinances, and explained that only point of sale plastic bags would be banned, not those used elsewhere in the store.

Councilmember Warden stated that he is generally supportive and the details can be worked out. He stated he would take a conservative approach regarding resources to be used on these issues.

Councilmember Lieberman recommended following the County ordinance regarding polystyrene. He is concerned regarding mandating a charge for paper bags.

Councilmember Braunstein expressed support for both ordinances.

Proposed Ordinance for Construction and Demolition Waste Recycling

Chief Building Official Nolfi stated that construction and demolition waste recycling is currently addressed through a resolution, with no enforcement tool. He noted that very few projects are affected by the existing thresholds that trigger the requirement to recycle. He explained that Belmont's current diversion rate is 61 percent, but that figure does not include construction and demolition waste, which reduces the diversion rate. He outlined ordinances already enacted by neighboring cities. He recommended a mid-level approach for the dollar value of projects which require waste recycling so as to not be too onerous.

Ann Schneider, Sierra Club, stated that same amount of material is being sent to the landfill as was sent in 1990. She stated that a 50 percent diversion level target is too low, and a \$50,000 project value requiring construction and demolition waste recycling is too high. She stated that some cities have offered fast-tracking of permits if construction waste is diverted, and that some contractors will recycle if asked to do so.

Councilmember Warden stated that more information is needed to determine if the 50 percent rate is appropriate.

Councilmember Wozniak expressed support for this requirement to affect smaller projects. She also expressed support for a public outreach program.

Councilmember Braunstein expressed a desire to learn more about deconstruction. He concurred that more information is needed to set the appropriate levels, and there should be an educational component of any new regulation.

Chief Building Official Nolfi outlined the administrative code citation process and noted that it is used as a last resort. He explained that fines can be assessed daily.

Councilmember Lieberman expressed support for the concept of this proposed ordinance, but would need more information for the details. He suggested setting a square foot measurement rather than a project dollar amount. He noted that there is no recycling buy or trade component at the new recycling center.

Proposed Ordinance Establishing Water Conservation in Landscaping Regulations

Community Development Director de Melo stated that this is the most complicated of the four proposed ordinances. He explained that new federal regulations, enacted in 2010, has not provided enough time to measure effectiveness, and no projects meet the threshold established in those regulations. He noted that any regulation would be an improvement over what is currently in practice.

Councilmember Warden recommended that the Community Development Department focus its efforts on the General Plan update.

Councilmember Wozniak noted that this is a complex regulation, and she expressed support for its intent. She noted that the proposed increases in water rates may address the issue.

Susan Wright, GAC Member, stated that 60 percent of residential water use is for landscaping. She explained that other cities have implemented the proposed regulations in different ways. She noted that the Mid-Peninsula Water Department supports these regulations. Staff would need to be trained. She clarified that the proposed regulations are easier to implement than the State regulations.

Council concurred to have GAC continue to work on this issue.

Mayor Feierbach thanked the Green Advisory Committee for its efforts on these proposed ordinances and the other work it has performed over the past two years.

ADJOURNMENT at this time, being 10:20 P.M.

TERRI COOK
Belmont City Clerk

Meeting Tape Recorded and Videotaped
Audio Recording 791